



PATENT
Customer No. 22,852
Attorney Docket No. 06530.0290

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:)
Thomas O. BALES et al.)
Application No.: 10/074,012) Group Art Unit: 3736
(Reissue Application of Patent No.) Prior Examiner: S. Gilbert
6,024,708, Issued February 15, 2000))
Filed: February 14, 2002)
For: RADIAL JAW BIOPSY FORCEPS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

JUN 14 2004

TECHNOLOGY CENTER R3700

Sir:

06/04/2004 09:19:11 00000063 10074012

01 FC:1614

110.00 OP

TERMINAL DISCLAIMER

Assignee, Symbiosis Corporation, duly organized under the laws of Florida and having its principal place of business at 8600 N.W. 41st Street, Miami, Florida 33166, represents that it is the assignee of the entire right, title and interest in and to the above-identified reissue application, Application No. 10/074,012, filed February 14, 2002, for RADIAL JAW BIOPSY FORCEPS in the names of Thomas O. BALES, Charles R. SLATER and Kevin W. SMITH, as indicated by assignments duly recorded in the United States Patent and Trademark Office (PTO) at Reel 6046, Frame 0556 on March 19, 1992 in a great grandparent application of the original patent (i.e., Application No. 07/521,766, filed May 10, 1990, now U.S. Patent No. 5,133,727) and at Reel 6019, Frame 0896 on February 18, 1992 in a grandparent application of the original patent

(i.e., Application No. 07/837,046, filed February 18, 1992, now U.S. Patent No. 5,507,296).

Assignee, Symbiosis Corporation, further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent No. 6,264,617, as indicated by the above-mentioned assignments duly recorded in the PTO.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior patent No. 6,264,617. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of prior patent No. 6,264,617, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is being filed with this disclaimer.

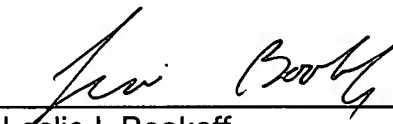
If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 3, 2004

By: 
Leslie I. Bookoff
Reg. No. 38,084